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May 13, 2019

VIA EMAIL

Andrea Leshak, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866

Re: Colorcon P.R. LLC
Response to Request for Information under CERCLA Section 104(e)
PROTECO Site, Penuelas, Puerto Rico

Dear Ms. Leshak:

On behalf of our client, Colorcon P.R. LLC, please find attached its response to the 104(e) letter dated March 28, 2019 for the PROTECO Superfund Site. In an email communication dated April 8, 2019, EPA granted an extension of time until Monday, May 13, 2019. In addition, the information provided is consistent with the accommodation provided in that email that Colorcon could limit its answers for certain questions to the 1975 to 1999 timeframe in which the PROTECO Site was in operation.

Pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Section 9604(e)(7)(E) and (F) and 40 C.F.R. Part 2.203(b), Colorcon P.R. LLC asserts that the documents submitted in response to Section 24 of the Request for Information include confidential information that should be protected from disclosure by EPA. Colorcon P.R. LLC is a privately owned business and its financial information has always been protected from public disclosure. The documents provided in response to Section 24 are copies of financial audits done by Colorcon P.R. LLC's outside auditors. The financial audits are performed under the strictest confidentiality, including agreements from the auditors to protect the confidentiality of the information and not to disclose the information to third parties. The financial audits are also only provided to a small group of senior executives and counsel within the company to control access to the information. The

A Pennsylvania Limited Liability Partnership

California	Colorado	Connecticut	Delaware	District of Columbia	Florida	Illinois
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disclosure of such financial information to third parties, including competitors of Colorcon P.R. LLC, is likely to result in substantial harm to the competitive position of the business. The harm would be substantial because it would give Colorcon P.R. LLC's competitors access to financial information they would not otherwise be able to obtain, because it is not made publicly available. Accordingly, the documents being submitted in response to Section 24 have been marked CONFIDENTIAL, and are attached separately from the other documents being provided, in order to allow EPA to keep them in a confidential file not made available to third parties. Colorcon P.R. LLC requests that the documents provided in response to Section 24 be kept confidential permanently.

If there are any questions or any further requests for information to be directed to Colorcon P.R. LLC, I would very much appreciate it if those questions or additional requests could be directed to my attention as counsel to Colorcon P.R. LLC.

Best regards,

M. Joel Bolstein

MJB:ag

Enclosure

cc: Zolymar Luna, EPA
Bruce Reed, Esq.

Response of Colorcon P.R. LLC to the U.S. Environmental Protection Agency's Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601-9675 ("CERCLA"), Pertaining to the PROTECO Superfund Site, Peñuelas, Puerto Rico

Subject to the Objections as noted below¹ and without waiving these or other available objections, Colorcon P.R. LLC ("Colorcon") submits its response to the Section 104(e) Request for Information ("RFI") of the U.S. Environmental Protection Agency ("EPA") pertaining to the PROTECO Superfund Site.

Nothing in this response should be construed as an admission or a waiver by Colorcon or any other entity of any available rights, defenses, or claims, all of which are expressly reserved herein. Furthermore, Colorcon specifically denies any liability pertaining to the "Site" as that term is defined in Definition No. 14.

II. GENERAL OBJECTIONS

Colorcon asserts the following general privileges, protections, and objections with respect to the RFI and each information request therein.

1. Colorcon asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work-product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, and any other privilege or protection available to it under law.

2. Colorcon asserts that the information being provided herein is confidential business information within the meaning of 40 C.F.R. § 2.203(b), and is therefore subject to the protections set forth in 40 C.F.R. Part 2, Subpart B. Colorcon objects to the RFI to the extent it seeks the disclosure of information subject to, and which would be in violation of, confidentiality agreements.

3. Colorcon objects to Direction No. 3 as being overbroad, unduly burdensome, and unreasonable. Notwithstanding and without waiving this objection, Colorcon has undertaken a diligent and good faith effort to respond fully and accurately to all applicable questions, including but not limited to consulting with individuals most likely to have knowledge of the matter to which the question pertains.

4. Colorcon objects to Direction No. 4 as being unduly burdensome and unreasonable. The RFI is lengthy and seeks a significant amount of information. It is neither practical nor reasonable to expect Colorcon to identify all sources of information for each question. Further, EPA lacks the authority to require Colorcon to identify information outside of its possession, custody, or control.

¹ General Objections, as defined below, and specific objections made in response to any RFI shall hereinafter be collectively referred to as "Objections".

5. Colorcon objects to Direction No. 5 as being unduly burdensome, overbroad, and unreasonable. The RFI is unduly broad in nature, scope, and timeframe. It is not possible to identify all individuals who are able to provide details or documentation in response to any question. Notwithstanding and without waiving this objection, Colorcon is undertaking diligent and good faith efforts to obtain all information from current employees and all information within its possession, custody, or control.

6. Colorcon objects to Direction No. 6 as being unduly burdensome, overbroad, and unreasonable. It is not possible to determine the unavailability of documents in existence that may be responsive to the RFI, nor is it possible to identify the contents and recipients of such unavailable documents. Colorcon disclaims any responsibility to search for, locate, and/or provide copies of any documents known by Colorcon to exist but not within Colorcon's possession, custody, or control.

7. Colorcon objects to Direction No. 10 to the extent it seeks information that is privileged, work product, or subject to confidentiality agreements or provisions that preclude disclosure of such information.

8. Colorcon objects to the definition of "Site" as being overbroad and undefined, in that the definition does not identify the source areas or areas of release.

9. Colorcon objects to the definition of "industrial waste" as being overbroad and unduly vague.

10. Colorcon objects to the definition of "Company" as being overbroad, unreasonable and unauthorized to the extent it is directed to entities other than Colorcon, and in being vague in failing to define the terms "affiliates" and "branches".

11. Colorcon objects to the definition of "identify" to the extent it encompasses home addresses of natural persons. Subject to this objection, current employees and any other natural persons are identified by name and corporate address. Colorcon requests that any contacts with its employees identified in these responses or documents provided be initiated through M. Joel Bolstein, Esquire of Fox Rothschild LLP.

12. Colorcon objects generally to the RFI to the extent it is overbroad and directed to entities other than Colorcon, and as being unauthorized by law to the extent it is overbroad, unreasonable, unduly burdensome, and not authorized by the provisions of CERCLA or other applicable authority.

13. The responses set forth below are subject and in addition to information contained in documents being produced in response to this RFI.

REQUEST FOR INFORMATION

Section 1

1. Answer the following questions regarding the Company:
 - a. State the correct legal name and mailing address for the Company;
 - b. State the name(s) and address(es) of the President, Chief Executive Officer, and the Chairman of the Board (or other presiding officer) of the Company;
 - c. Identify the state/commonwealth and date of incorporation of the Company and the name of its agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different; and
 - d. Identify any successor corporations, predecessor corporations, or other entities related to the Company. If the Company is or was a subsidiary or affiliate of another corporation or other entity, identify each of those other entities' Chief Executive Officers, Presidents, and Chairpersons of the Board. Identify the state/commonwealth of incorporation and agents for service of process in the state/commonwealth of incorporation and in Puerto Rico, if different, for each entity identified in your response to this question.

RESPONSE:

- 1a. Colorcon P.R. LLC, 160 Calle Cacique Jumacao, Humacao Puerto Rico 00791-5606.
- 1b. The President and the Board Members of the Company are as follows:

President: Martti T. Hedman
Board Members: Martti T. Hedman, David Graeber
- 1c. Colorcon P.R. LLC was organized under the laws of the Commonwealth of Puerto Rico as a limited liability company on December 31, 2013. See the Response to Section 2 for corporate history prior to that date.
- 1d. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: Colorcon P.R., Inc. (Delaware), a Delaware corporation, is the sole member of Colorcon P.R. LLC. Simon Tasker is the President of Colorcon P.R., Inc., and Martti T. Hedman and David Graeber are the members of its Board of Directors.

Section 2

2. State the corporate history of the Company, including all name changes and mergers. List all names under which the Company has operated and has been incorporated. For each other name, provide the following information:
 - a. Whether that other company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
 - b. Names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
 - c. Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of that other company.

RESPONSE:

2. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: Colorcon P.R., Inc., was organized as a Delaware corporation on February 18, 1975, owned by Colorcon, Inc., a Pennsylvania corporation. CPRI, Corp. was organized as a Puerto Rican corporation on October 19, 2005, and on December 31, 2005, Colorcon P.R., Inc. received all of the stock of CPRI, Corp. in exchange for transfer to CPRI, Corp. of all of the business operations, assets (including but not limited to its permits and its tax exemption grant) and liabilities of Colorcon, P.R., Inc. Each of the two entities then changed their names. Colorcon P.R., Inc. became Colorcon P.R., Inc. (Delaware) as of December 31, 2005, while CPRI, Corp. became Colorcon P.R., Inc. (continuing as a Puerto Rican corporation) as of January 1, 2006. Colorcon P.R., Inc. changed its status to that of a limited liability company on December 31, 2013, becoming Colorcon P.R. LLC as of that date. The parent corporation of Colorcon P.R., Inc. (Delaware) is Colorcon, Inc. The registered agent of Colorcon P.R., Inc (Delaware) is The Prentice Hall Corporation System, Puerto Rico, Inc., c/o Fast Solutions LLC, Citi Tower, 252 Ponce de Leon Avenue, Floor 20, San Juan, PR 00918.

Section 3

3. Identify all changes in ownership relating to the Company from its date of incorporation to the present, including the date of any ownership change. If any owner was/is a corporation, identify if the corporation was a subsidiary or division of another corporation. In your identification of any corporation, it is requested that you provide the full corporate name, the state/commonwealth of incorporation, and all fictitious names used/held by that corporation.

RESPONSE:

3. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: See Response to Section 2 with regard to the corporate history of the Company. Colorcon, Inc. is the owner of Colorcon P.R. LLC, and it in turn is owned by Berwind Consolidated Holdings, Inc., a Delaware corporation.

Section 4

4. For each owner that is a subsidiary of another corporation identified in your answer to Request #3, above, please provide a chart that details the corporate structure from that other company through all intermediary entities to the ultimate corporate parent. For purposes of this information request, the term "ultimate corporate parent" means the corporate entity that, while owning or controlling the majority of the shares of common stock in a subsidiary corporation, is not primarily owned/controlled by another corporation.

RESPONSE:

4. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: See Attached Organization Chart.

Section 5

5. Provide copies of the Company's authority to do business in Puerto Rico. Include all authorizations, withdrawals, suspensions, and reinstatements.

RESPONSE:

5. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: See Attached Authorization to do Business in Puerto Rico.

Section 6

6. Describe any asset purchase agreements, whereby some or all of the assets of the Company were ever sold to any other entity, including the date(s), the companies involved, and the terms of such asset purchase agreement(s).

RESPONSE

6. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: See Response to Section 2 above. Colorcon P.R. LLC has been unable to locate copies of the applicable agreements. Colorcon reserves the right to amend and/or supplement this response as its investigation continues and additional information becomes available.

Section 7

7. Identify any employees, officers, or directors of the Company who participated in discussions or other communications regarding any decision pertaining to disposal of waste materials from the Facility.

RESPONSE

7. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility for the period under review, which is 1975 to 1999:

Arnold Casillas – General Manager
Saul Melendez – General Manager succeeding Casillas
Emilio Flores – Traffic Coordinator
Herman Lopez Torres – Materials Handler
Hector Rucci – Maintenance Mechanic

Section 8

8. Indicate whether Colorcon P.R. LLC is the successor to any liabilities, including those under CERCLA, of Colorcon P.R., Inc.

RESPONSE

8. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: See Response to Section 2 above. Colorcon P.R. Inc. changed its status to that of a limited liability company on December 31, 2013, becoming Colorcon P.R. LLC as of that date.

Section 9

9. State the dates during which the Company owned, operated, or leased any portion of the Facility, and provide copies of all documents evidencing or relating to such ownership, operation, or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.

RESPONSE

9. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: Deeds for the relevant time period, 1975-1999 have not been located. Colorcon is continuing to search for that documentation. Attached is the current deed for the property on which the Colorcon facility is located.

Section 10

10. Indicate whether the Company has ever operated at a location other than the Facility. If yes, provide the correct names and addresses of the Company's other facilities where the Company carried out its operations.

RESPONSE

10. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: No

Section 11

11. Describe in detail the nature of the business and the operations conducted at the Facility and at any locations identified in response to Request #10, above, during

the period that the Company operated there. Provide a brief description of the Company's operations at each facility, including the following:

- a. The date such operations commenced and concluded; and
- b. The types of work performed at each facility, including but not limited to the industrial, chemical or institutional process and treatments undertaken at each facility.

RESPONSE

11. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

Colorcon began manufacturing operations in Humacao, Puerto Rico in 1975, and since that time it has been engaged in the manufacture of edible color dispersions for use in the pharmaceutical, food and confectionary industries. It has only operated at the Subject Facility in Puerto Rico. In the process of dispersion large vessels are used called mills. The Subject Facility has different mills of various sizes and the mill used is determined by the end use and customer requirements. The Kady Mill is a top-loading tank with the shaft and impeller blade inserted through the bottom of the mill. This mill produces an extremely uniform dispersion. The Shar type mill is a variable speed with the blade attached to a shaft which can be lower into any size tank. The Sandmill is a vessel with a high speed shaft in the center which, when turning, causes the grinding media to turn and disperse the product being pumped through a turning media. The products manufactured are FDA food grade products. OPALUX is the original product line, which is a sucrose syrup based system which is loaded with pigment to the desired viscosity and customer requirements. OPASPRAY is a color dispersion in alcohol. The production process involves several steps, including identifying the specified pigments, weighing, mixing, placing the materials in the mill, running the mill to achieve the desired dispersion quality, taking a sample for quality control, and packaging the finished product for shipment. When the mill is emptied of product, it is then cleaned with various soaps and detergents to ensure no residue remains, and then the next batch is created. Various ingredients are used in the formulations, including water, sugar, ethyl alcohol, titanium dioxide, isopropyl alcohol, butyl alcohol, shellac, FD&C pigments and dyes (yellow, red, blue and green), synthetic iron oxides. The manufacturing operations at the Subject Facility have continued through the present time.

Section 12

12. List all hazardous substances used, generated, treated, stored, disposed of, manufactured, recycled, recovered, treated, or otherwise processed during the

Company's operations at the Facility.

RESPONSE

12. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

Between 1975 and 1999, the following substances would have been used at the Subject Facility: ethyl alcohol, isopropyl alcohol, butyl alcohol, cyclohexane, ethyl lactate, cellosolve, methyl ethyl ketone, acetone, and methanol.

Section 13

13. List and fully describe all waste streams generated from the Company's operations, including solid, liquid, or any other type of waste.

RESPONSE

13. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

Manufacturing Operations at the Subject Facility began in 1975. Since that time, the Subject Facility has generated four different waste streams. The first type of waste stream generated is non-hazardous solid waste consisting of off-spec food-grade product (Opalux and Opaspray), plant municipal waste and trash, and industrial waste water treatment sludge. The second type of waste stream generated is liquid sanitary waste. The third type of waste stream generated is liquid industrial waste water. The fourth type of waste stream is a small quantity of RCRA defined hazardous waste, which consists of alcohols regulated as waste type D001/flammable.

With regard to the non-hazardous solid waste, Colorcon has documentation showing that the non-hazardous solid waste was picked up by BFI and taken to the Ponce Sanitary Landfill. The documentation covers the period 1990 to 1999. Colorcon has been unable to locate documents from the time period prior to 1990 for this waste stream. See documents provided in Response to Section 17.

With regard to the liquid sanitary waste, it was originally first discharged to a package treatment plant operated by the Humacao Industrial Park. It was later routed to the Humacao municipal wastewater treatment plant.

With regard to the industrial waste water, when the Subject Facility was first constructed, the industrial waste water was collected in the laboratory and production areas and was pumped and stored in a 2,000 gallon tank. The waste water consisted of an estimated 1.5% dissolved solids of which 0.5% is edible pigment color and 0.75% was suspended solids. Its composition was approximately 99.3% water, 0.4% sucrose, 0.1% titanium dioxide, 0.1% aluminum lake colorants, and 0.1% soap. Every two weeks the waste water was treated with sodium hypochlorite 15% bleaching compound, allowing color to be removed, and then the waste water was sent into the package treatment plant operated by the Humacao Industrial Park. In 1978, Colorcon ceased discharging its industrial waste water to the package plant operated by the Humacao Industrial Park. Colorcon thereafter sought approval from the Environmental Quality Board to construct a solar pond to evaporate the industrial waste water. During the brief period between ceasing to use the package plant (approx. 2/17/78) and building and operating the solar pond (approved by the EQB on 4/27/78), the industrial waste water was being hauled by Servicio Sanitario del Este of Barrio Buena Vista to the Humacao municipal wastewater treatment plant. On November 18, 1980, Colorcon hired Servicios Carareon, Inc. to dispose of approximately 45,000 gallons of colored industrial waste water from the solar pond, most likely because the solar pond had reached its permitted capacity. The solar pond was used for the industrial waste water until approximately 1991. To the best of Colorcon's knowledge, with the exception of the one shipment of industrial waste water handled by Servicios Carareon, Inc. on November 18, 1980, there were no other shipments of industrial waste water sent off-site while the solar pond was operational. In 1991, Colorcon applied to the Puerto Rico Aqueduct Sewer Authority to construct and operate an on-site wastewater treatment facility. After the necessary permits were received, an on-site wastewater treatment facility was constructed and the solar pond was taken out of service. Colorcon has been unable to locate any documentation identifying the exact date that the on-site wastewater treatment facility was first put into service.

With regard to the hazardous waste, after the enactment and implementation of the RCRA regulations, Colorcon reviewed its practices and separated the small quantity of RCRA defined hazardous waste, which consisted of alcohols (D001/flammable). Colorcon met the RCRA definition of a conditionally exempt small quantity generator. Approximately one or two 55-gallon drums of this waste was generated annually. Colorcon has been unable to locate any documentation regarding this waste stream for the period between 1975 and 1999. This waste stream is currently handled by Safety Kleen.

Colorcon reserves the right to amend and/or supplement this Response as its investigation continues and additional information becomes available.

Section 14

14. Describe in detail the handling, storage, and disposal practices employed by the Company for each waste stream resulting from the Company's operations.

RESPONSE

14. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See Response to Section 13 above.

Section 15

15. Identify all individuals who had responsibility for the Company's environmental and waste management decisions between 1975 and 1999 (e.g., responsibility for decisions regarding the disposal, treatment, storage, recycling, or sale of the Company's hazardous substances, hazardous wastes, and industrial wastes).
- a. Provide each such individual's job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable, the date of the individual's resignation or termination.
 - b. Provide the nature of the information possessed by each such individual concerning the Company's waste management.

RESPONSE

15. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See Response to Section 7 above.

Section 16

16. For each type of hazardous substance, hazardous waste, and industrial waste used or generated by the Company, describe the Company's agreements or other arrangements for its disposal, treatment, storage, recycling, or sale.

- a. Provide any agreement and document, including waste logs, journals, manifests, or notes, related to any transfer of hazardous substances, hazardous wastes, and industrial wastes from the Company's Facility that came to be located at the Site.
- b. Provide all correspondence and written communications between the Company and each owner/operator of the site regarding the Company's hazardous substances, hazardous wastes and industrial wastes that came to be located at the Site.

RESPONSE

16. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See the Response to Section 13 above. To the best of Colorcon's knowledge, the only industrial waste from the Subject Facility that may have come to be located at the Proteco Site was the 45,000 gallons of colored waste waters from the solar pond that was picked up by Servicios Carbareon, Inc. on November 18, 1980. Colorcon possesses no correspondence or written communications with the owner/operator of the Proteco Site.

Section 17

17. Provide agreements and documents related to the following, including waste logs, journals, manifests, or notes, as set forth below:
 - a. The locations where the Company sent each type of hazardous substance, hazardous waste, and industrial waste for disposal, treatment, or recycling;
 - b. List all Waste Transporters used by the Company;
 - c. For each type of hazardous substance, hazardous waste, and industrial waste, specify which Waste Transporter picked it up;
 - d. For each type of hazardous substance, hazardous waste, and industrial waste, state how frequently each Waste Transporter picked up such waste;
 - e. For each type of hazardous substance, hazardous waste, and industrial waste, provide the volume picked up by each Waste Transporter (per week, month, or year);
 - f. For each type of hazardous substance, hazardous waste, and industrial waste, identify the dates (beginning & ending) such waste was picked up by each Waste Transporter;
 - g. Indicate the ultimate location for each type of hazardous substance, hazardous waste, and industrial waste. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of hazardous substance,

- hazardous waste, and industrial waste;
- h. Describe how the Company managed pickups of each hazardous substance, hazardous waste, and industrial waste including but not limited to:
- i. The method for inventorying each type of hazardous substance, hazardous waste, and industrial waste;
 - ii. The method for requesting each type of hazardous substance, hazardous waste, and industrial waste to be picked up;
 - iii. The identity of the Waste Transporter employee/agent contacted for pickup of each type of hazardous substance, hazardous waste, and industrial waste; and
 - iv. The amount paid or the rate paid for the pickup of each type of hazardous substance, hazardous waste, and industrial waste;
- i. Identify the individual or organization that selected the location where each of the Company's wastes were taken. Describe the basis for and provide any documents supporting the answer to this Request.

RESPONSE

17. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See Responses to Section 13 and Section 16 above. In addition, Colorcon understands that the Company it used for the disposal of its non-hazardous industrial waste, BFI Waste Systems, used several different waste transporters to take non-hazardous industrial waste from Colorcon's facility to the Ponce Landfill. Those transporters included Negron and Negron Services, Inc., Campania Poncenade, Trecons, Inc., Poncena de Transporte, Caribe Hydroblasting Corp., and Diaz Transporter. In all instances, such materials would have been non-hazardous industrial waste (as shown in the attached waste manifests and other documents exchanged with BFI).

Section 18

18. If not already provided, specify the dates and circumstances when the Company's hazardous substances, hazardous wastes, and/or industrial wastes were sent, brought, or moved to the Site, and identify the names, addresses, and telephone numbers of the person(s) making arrangements for the containers (e.g., 55-gallon drum, dumpster, etc.) holding hazardous substances, hazardous wastes, and/or industrial wastes to be sent, brought, or transported to the Site. Please also provide all documents that support or memorialize the answer to this Request.

RESPONSE

18. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See Responses to Section 13, Section 16 and Section 17 above.

Section 19

19. Identify, describe, and provide all documents that refer or relate to the following:
- a. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all hazardous substances, hazardous wastes, and industrial wastes involved in each arrangement transferring materials from any facility owned or operated by the Company (including the Facility) to any other facility;
 - b. In general terms, the nature and quantity of the non-hazardous substances involved in each such arrangement;
 - c. The hazardous substances being mixed or combined with other hazardous substances or non-hazardous substances for each such arrangement. Indicate whether such mixing or combining is common in the industry. Indicate whether the Company was ever asked to stop mixing or combining the hazardous substances with the non-hazardous substances;
 - d. Other materials other than the hazardous substances that were involved in the transaction;
 - e. The condition of the transferred material containing hazardous substances when it was stored, disposed of, treated, or transported for disposal or treatment;
 - f. The markings on and type, condition, and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment; and
 - g. All tests, analyses, analytical results, and manifests concerning each hazardous substance, hazardous waste, and industrial waste involved in each transaction. Include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.).

RESPONSE

19. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business

information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See Responses to Section 13, Section 16 and Section 17 and the documents provided.

Section 20

20. Indicate how long the Company has had a relationship with the owner(s) and/or operator(s) of the Site.

RESPONSE

20. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

Colorcon had no relationship with the owner and/or operators of the PROTECO Site.

Section 21

21. Identify any individuals, including former and current employees, who may be knowledgeable of the Company's operations and practices concerning the handling, storage, and disposal of hazardous substances.

RESPONSE

21. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

See Response to Section 7 above.

Section 22

22. Please provide all documents, if not already requested above, that support your responses to Requests 4-21, above.

RESPONSE

22. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: All responsive documents have been provided in response to requests 4-21 above. Colorcon reserves the right to amend and/or supplement this response as its investigation continues and additional information becomes available.

Section 23

23. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. The Company's document retention policy between 1975 and 2018;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who had and/or still may have the originals or copies of these documents; and
 - e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.

RESPONSE

23. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

Colorcon made a diligent search of all records in its possession, custody and control. It has no knowledge of records being destroyed. To the extent documents could not be located and identified from the relevant time period, it is likely that some records were only retained for the period of time required by law.

Section 24

24. Please provide copies of the Company's financial statements, shareholder's reports, financial audits, or other financial reports showing its assets, profits, liabilities, and

current financial status for the last five years.

RESPONSE

24. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility: See Attached Financial Statements.

Section 25

25. List and provide a copy of all agreements or contracts, including but not limited to insurance policies and indemnification agreements, held or entered into by the Company or its parent corporation(s), subsidiary, or subsidiaries that could indemnify it against any liability that it may have under CERCLA for releases or threatened releases of hazardous substances at and from the Facility. In response to this Request, please provide not only those insurance policies and agreements that currently are in effect, but also provide those that were in effect during the period(s) when any hazardous substances, hazardous wastes, and/or industrial wastes may have been released or threatened to be released into the environment at or from the Facility.

RESPONSE

25. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information and information outside its possession, custody and control.

Section 26

26. State whether any claim or claims have been made by the Company to any insurance company for any loss or damage related to operation at the Site, and if so, identify each claim by stating the name of the claimant, the name and address of the insurance company, the policy number, the named insured on the policy, claim number, date of claim, amount of claim, the specific loss or damage claimed, the current status of the claim, and the amount, date, and recipient of any payment made on the claim.

RESPONSE

26. Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside

the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

No claims have been made by Colorcon to any insurance company for any loss or damage related to operation at the Site.

Section 27

27. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

RESPONSE

Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

Colorcon has no reason to believe that there may be additional persons not already identified in this response that would be able to provide additional information or responsive documents.

Section 28

28. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.

RESPONSE

Colorcon incorporates by reference its General Objections. Additionally, Colorcon specifically objects to this RFI as being overbroad, unduly burdensome and outside the scope of 42 U.S.C. Sec. 9604(e) and as seeking confidential business information. Subject to and without waiving its Objections, Colorcon responds as follows with respect to the Subject Facility:

The following persons assisted in the preparation of this response:

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